REMARKS

This Application has been carefully reviewed in light of the Office Action mailed June 24, 2005. Claims 1-5, 8-12 and 15-37 are pending in the application. Claims 1-5, 8-12 and 15-37 are rejected pending in the application. For the reasons discussed below, Applicants respectfully request reconsideration and favorable action in this case.

Section 103 Rejections

The Examiner rejects Claims 1-3, 5, 8, 9, 19-21, 23-29, and 31-35 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,680,933 issued to Cheesman et al. ("*Cheesman*"), in view of Rekhter et al., "Tag Switching Architecture Overview" ("*Rekhter*"). For the following reasons, Applicants respectfully traverse the rejections of Claims 1-3, 5-12, and 15-37.

Claim 1 recites a method of communicating connectionless and connection oriented signals using at least one common network element including appending a transport label to each received signal at an ingress core network element based upon the determination of the signaling type. Each transport label includes an indication of the signal's signaling type and a plurality of sub-transport labels, each sub-transport label identifying an associated node identification useful in determining a hop for a connectionless signal or a path identification useful in determining a virtual circuit for a connection oriented signal. Each hop or each path identification, from the ingress core network element to an egress core network element, is associated with one of the plurality of sub-transport labels.

Regarding Claim 1, *Cheesman* discloses an ingress processor encapsulating a protocol data unit with a switching tag including information of the destination port within the switch 100 as well as service-related information. *See Cheesman*, column 8, lines 42-47. *Cheesman* also discloses looking up an appropriate output port for each protocol data unit, encapsulating the look-up information in a header of the protocol data unit, and forwarding the encapsulated protocol data unit to the switching fabric. *See Cheesman*, column 5, lines 40-48. *Rekhter* discloses a first router sending a packet to a second router including a first tag requested by a destination router and a second tag requested by the second router. *See*

Rekhter, Abstract; figure 1. However, neither *Cheesman* nor *Rekhter*, alone or in combination, disclose, teach, or suggest each hop or each path identification, *from the ingress core network element to an egress core network element*, being associated with one of a plurality of sub-transport labels appended to each received signal at the ingress core network element. In other words, there are a plurality of hops or path segments between the ingress and egress core network elements and each of the sub-transport labels identifies one of these hops or path segments.

In the Office Action (at pages 3-4), the Examiner asserts that this limitation is taught as page 8, paragraphs 1 and 2 of *Rekhter*. However, as recognized by the Examiner, *Rekhter* only discloses two tags – a tag that provides forwarding to an egress border switch (from an ingress border switch) and a tag that provides forwarding from the egress border switch. There is no disclosure of multiple hops or path segments between the ingress and egress border switches or a plurality of sub-transport labels identifying such hops or path segments. For at least these reasons, Applicants respectfully submit that Claim 1 is patentably distinguishable from the cited references and request that the rejection of Claim 1 be withdrawn.

Claims 19 and 27 include similar limitations to those discussed above regarding Claim 1. Therefore, Applicants respectfully submit that Claims 19 and 27 are patentably distinguishable from the cited references, for example, for at least the same reasons as Claim 1, and request that the rejections of Claims 19 and 27 be withdrawn.

Claims 2, 3, 5, 8-10, and 36 depend from Claim 1. Claims 20-26 and 37 depend from Claim 19. Claims 28-35 depend from Claim 27. Therefore, Applicants respectfully submit that Claims 2, 3, 5, 8-10, 20-26, and 28-37 are patentably distinguishable from the cited references for at least the same reasons as those discussed above regarding Claims 1, 19, and 27.

The Examiner also rejects Claim 4 under 35 U.S.C. § 103(a) as being unpatentable over *Cheesman* in view of *Rekhter* and further view of U.S. Patent No. 6,628,649 issued to Raj et al. *("Raj")*. Claim 4 depends from, and incorporates all the limitations of, independent Claim 1. As discussed above regarding Claim 1, the combination of *Cheesman* and *Rekhter* fails to disclose, teach, or suggest each hop or each path identification, from the ingress core network element to an egress core network element, being associated with one of a plurality of sub-transport labels appended to each received signal at the ingress core network element. The cited portions of *Raj* also fail to disclose, teach, or suggest these limitations. Therefore, Applicants respectfully request reconsideration and allowance of Claim 4.

The Examiner also rejects Claims 10, 22, 30, 36, and 37 under 35 U.S.C. § 103(a) as being unpatentable over *Cheesman* in view of *Rekhter* and further in view of U.S. Patent No. 6,526,056 issued to Rekhter et al. *("Rekhter & Rosen")*. Claims 10, 22, 30, 36, and 37 each depend from, and incorporate all the limitations of, one of independent Claims 1, 19, or 27. As discussed above regarding Claim 1, the combination of *Cheesman* and *Rekhter* fails to disclose, teach, or suggest each hop or each path identification, from the ingress core network element to an egress core network element, being associated with one of a plurality of sub-transport labels appended to each received signal at the ingress core network element. The cited portions of *Rekhter & Rosen* also fail to disclose, teach, or suggest these limitations. Therefore, Applicants respectfully request reconsideration and allowance of Claims 10, 22, 30, 36, and 37.

The Examiner also rejects Claims 11, 12, and 15-18 under 35 U.S.C. § 103(a) as being unpatentable over *Cheesman* in view of in view of *Rekhter & Rosen*. For the following reasons, Applicants respectfully traverse the rejections of Claims 11, 12, and 15-18.

Claim 11 recites a method of communicating connectionless and connection oriented signals including receiving signals including a transport label having a stack of sub-transport

labels. Each sub-transport label provides an instruction regarding the associated signal's communication toward one of the destination peripheral network elements. The top sub-transport label identifies a node identification useful in determining a next hop for a connectionless signal or a path identification useful in determining a virtual circuit for a connection oriented signal, and the bottom sub-transport label includes an interface identifier operable to specify an interface of an egress core network element between the ingress core network element processing the signal and the destination peripheral network element.

Regarding Claim 11, *Cheesman* discloses looking up an appropriate output port for each protocol data unit, encapsulating the look-up information in a header of the protocol data unit, and forwarding the encapsulated protocol data unit to the switching fabric. *See Cheesman*, column 5, lines 40-48. *Rekhter & Rosen* discloses a first router sending a packet to a second router including a first tag requested by a destination router and a second tag requested by the second router. *See Rekhter & Rosen*, Abstract; figure 1. Neither *Cheesman* nor *Rekhter & Rosen*, alone or in combination, disclose, teach, or suggest a transport label having a stack of sub-transport labels where the top sub-transport label identifies a node identification useful in determining a next hop for a connectionless signal or a path identification useful in determining a virtual circuit for a connection oriented signal, and the bottom sub-transport label includes an interface identifier operable to specify an interface of an egress core network element between the ingress core network element processing the signal and the destination peripheral network element.

On page 16 of the Office Action, the Examiner provides an interpretation of the term "interface identifier" as being "information for specifying a path through the network from the core network element to the destination network element." However, the passages on which the Examiner bases this interpretation are describing the entire interface identifier *table* 120, not just one interface identifier. As recited in the claim, an interface identifier specifies an *interface of an egress core network element* between the ingress core network element and the destination peripheral network element, not a "path through the network." Neither *Cheesman* nor *Rekhter & Rosen* disclose such an interface identifier.

For at least these reasons, Applicants respectfully submit that Claim 11 is patentably distinguishable from the cited references and request that the rejection of Claim 11 be withdrawn. In addition, Claims 12 and 15-18 depend from Claim 11. Therefore, Applicants respectfully submit that Claims 12 and 15-18 are patentably distinguishable from the cited references for at least the same reasons as those discussed above regarding Claims 11.
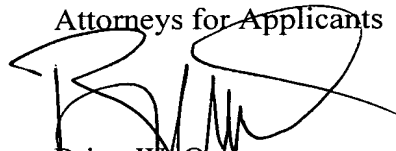
CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Brian W. Oaks, Attorney for Applicants, at the Examiner's convenience at (214) 953-6986.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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